



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Charles R. Spies
McKenna Long & Aldridge
1900 K Street, N.W.
Washington, D.C. 20006-1108

JUN 22 2010

RE: MUR 6217
David Vitter for U.S. Senate and
William Vanderbrook, in his official
capacity as Treasurer

Dear Mr. Spies:

On October 14, 2009, the Federal Election Commission notified your clients, David Vitter for U.S. Senate and William Vanderbrook, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On June 15, 2010, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe your clients violated the Act. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact April Sands, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Allen".

Mark Allen
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR 6217

RESPONDENTS: David Vitter for U.S. Senate and William Vanderbrook,
in his official capacity as treasurer

The complaint alleges violations of 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b) stemming from a \$5,000 contribution to David Vitter for U.S. Senate ("Vitter Committee") made on August 11, 2009 by Haley's PAC and its treasurer ("Haley's PAC"), a multi-candidate political action committee associated with Mississippi Governor Haley Barbour, that allegedly was reimbursed by Commerce, Hope, Innovation & Progress PAC and Danna S. Lane, in her official capacity as treasurer ("CHIP PAC"), a multi-candidate political action committee sponsored by former Congressman Chip Pickering. The complaint bases its allegations on the following: (1) in the same week that Haley's PAC contributed \$5,000 to the Vitter Committee, Haley's PAC received a contribution in an identical amount from CHIP PAC; (2) based on its receipt and contributions history, it was not common for Haley's PAC to make contributions; in fact, Haley's PAC's contribution to the Vitter Committee was only one of two it had made during 2009, and Haley's PAC disclosed only \$13,281.37 cash outstanding at the end of the reporting period in which it made the Vitter contribution; (3) the contribution to Haley's PAC constituted CHIP PAC's first contribution in 2009; (4) there are media-sensitive reasons Chip Pickering would want to hide the fact that his PAC was providing support to Senator Vitter; and (5) Chip Pickering and Austin Barbour, nephew to Haley and then-treasurer of Haley's PAC, work together at a lobbying firm, and therefore had the opportunity to devise the alleged conduit scheme.

1 With respect to the Vitter Committee, the response points out that “[e]ven if the conjecture
2 and innuendo in the complaint were at some point proven to be correct, there are no facts asserted,
3 even buried among the baseless speculation, which would prove that Vitter for Senate knowingly
4 accepted an impermissible contribution.” *See* Vitter Committee Response at 2. The complaint
5 alleges no facts concerning the Vitter Committee other than it accepted a contribution from
6 Haley’s PAC, and no other information is available indicating a possible violation. The
7 contribution check was facially compliant with the Act and the Commission’s regulations, and is in
8 fact neither excessive nor from an impermissible source. Accordingly, the Commission finds no
9 reason to believe that David Vitter for U.S. Senate and William Vanderbrook, in his official
10 capacity as treasurer, violated the Act or the Commission’s regulations.

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